



PRESS RELEASE

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ARTICLE 19 ANALYSES NEW AFGHAN MEDIA LAW

ARTICLE 19 has published a Memorandum analysing the new Law on Mass Media, adopted recently by the Afghan government.¹ The Law contains a number of positive provisions and represents an improvement over the 1992 Law of the Press, which it replaces. At the same time, the Law was adopted without the benefit of public consultation and it contains a number of provisions about which we have serious concerns.

It is fundamental to the democratic process that a law of this nature, trenching on matters of great public importance and dealing with a fundamental human right, be subject to open debate prior to adoption. ARTICLE 19 views the secretive, non-consultative manner in which the Law was adopted as seriously compromising basic democratic principles.

The Law contains a number of positive features, including a list of progressive aims, such as promoting freedom of expression and creating a positive environment for its fulfilment, a prohibition on censorship and general recognition of the right to seek and obtain information from government.

However, our Memorandum also identifies a number of serious concerns with the Law, including the following:

- Newspapers and other media are still required to register with the Ministry of Information.
- The Law contains unduly broad content restrictions which duplicate general restrictions found in other laws.
- Printing houses must obtain a licence from the Ministry of Information.
- The broadcast regulator lacks independence, its members being appointed by the president in his or her sole discretion.
- There are very strict limits on foreign participation in the media and foreigners must obtain permission from the Ministry of Information even to print bulletins.

ARTICLE 19 urges the Afghan authorities to consider early amendment of the Law, as outlined in the recommendations contained in our Memorandum, to bring it into line with international standards.

ENDS

1. The Memorandum is available on the ARTICLE 19 website at: <http://www.article19.org/docimages/1753.doc>.

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